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PATENT

Serial No. 10/510,787

Amendment in Reply to Final Office Action of September 19, 2006

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated September 19, 2006. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

By means of the present amendment, Claims 1, 13 and 14 have been amended for better conformance to U.S. practice, changing spelling from British to American spelling, beginning dependent claims with "the" and correcting other informalities noted upon review of the claims. Claim 1 and 13 were also amended to clarify what was previously required. The claims were not amended in this way to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Claims 13 and 14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Japanese Patent No. 04-351722A to Tanaka ("Tanaka"). Claims 1-3, 5, 8, 10 and 11 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No.

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5,905,255 to Wakabayashi ("Wakabayashi") in view of Tanaka. Claim 4 and 9 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wakabayashi in view of Tanaka in further view of U.S. Patent No. 6,307,687 to Nishikawa ("Nishikawa"). Claims 6 and 7 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Wakabayashi in view of Tanaka in further view of U.S. Patent No. 6,639,744 B2 to Ohno ("Ohno"). It is respectfully submitted that the claims are patentable for at least the following reasons.

Wakabayashi shows an actuator comprising two conductive coils where the focusing coils are spaced apart. In Figures 1, 7, and 10 of Wakabayashi focusing coils 7a and 7b are shown spaced apart from 7c and 7d, yet are not offset from each other in a tangent direction.

Tanaka shows an actuator comprising two focusing coils 3 that do not overlap each other in the tracking direction (axis X in Fig. 1 of Tanaka). As shown in Figs. 1 and 2 of Tanaka, focusing coils 3 do not overlap each other along an axis extending in the tracking direction.

It is respectfully submitted that the apparatus of Claim 1 is not anticipated or made obvious by the teachings of Wakabayashi or

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Tanaka. For example, Wakabayashi, Tanaka or combination thereof, do not disclose or suggest, an apparatus that amongst other patentable elements, comprises (illustrative emphasis provided) "an actuator means...wherein the focusing coils are offset from each other along an axis extending in the tangent direction (x) and overlap each other along the axis extending in the tracking direction (y)" as required by claim 1, and as substantially required by claim 13.

Based on the foregoing, the Applicant respectfully submits that independent Claims 1 and 13 are patentable over Wakabayashi and Tanaka and notice to this effect is earnestly solicited. Nishikawa & Ohno were cited for rejecting dependent claims and do not cure the noted defects in Wakabayashi and Tanaka. Claims 2-12 and 14 respectively depend on one of claims 1 and 13 and are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

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foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

It is believed that no additional fees or charges are currently due for entrance of the accompanying amendment other than those paid by the attached credit card authorization for filing of the Request for Continued Examination (RCE). However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicant's representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

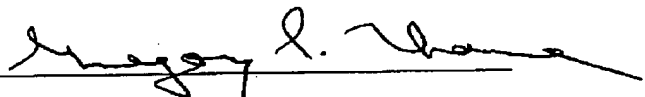
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Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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October 30, 2006

Enclosures: Request for Continued Examination (RCE)
Authorization to charge credit card fee for filing
the RCE

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